APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,528	09/14/2001	Dae-Hoon Zee	12109.50USWO	7071

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EXAMINER
REILLY, SEAN M

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/936,528	ZEE ET AL.
		Examiner	Art Unit
		Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 January 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-29* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for

reconsideration filed on 1/18/2005. New claims 19-29 are presented for further examination.

Claims 1-18 have been canceled.

Specification

1.   All objections to the specification are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

2.   Claims 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

3.   Regarding the term "IP multicasting," on pg 2 ¶ 3 of the specification applicant asserts "IP

multicasting is an Internet standard," however no reference to a specific standard is disclosed. It

is presumed the applicant is referencing the IP multicasting standard defined in RFC 1112 – Host

extensions for IP multicasting.

4.   Regarding the term "IP multicasting *data*," as used the term is ambiguous. "IP multicasting

data" may be interpreted to read 1) data converted into a form such that it may be multicast (e.g.

data received from a server via a unicast transport means may be converted to a form suitable for

multicast transmission OR 2) data that tells a client how to perform IP multicasting (e.g. what

addressing to use and any other necessary formatting). Definition #1 is presumed.

5. Regarding the term "Internet broadcasting," the term "broadcasting" renders the claim

indefinite. Broadcasting may be interpreted to mean 1) upon a user request to an internet web

server – the server transmits content to the user via a unicast transport means (e.g. a user on

mlb.com requests a live video or audio feed of the Yankees ballgame) or 2) the tradition

networking definition is used and every node on the network (the Internet in this case) receives

the content. Definition #1 is presumed.

6. Regarding claim 20, the claim as written is ambiguous. It is not clear which steps of the

method are executed if the – IF – statement on line 3 is true. It is presumed all limitations listed

below line 3 are executed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7. Claims 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messenger

(U.S. Patent Number 6,697,365) and Nurenberg et al. (U.S. Patent Number 6,181,697;

hereinafter Nurenberg).

8. Regarding claims 19-22, Messenger discloses an Internet broadcasting method comprising

the steps of:

    ❑ connecting a terminal to an Internet broadcasting server by using TCP/IP or UDP (see

        Col 14, lines 25-33 and Col 11, lines 50-57);

    ❑ receiving broadcasting data from the Internet broadcasting server by using TCP/P or

        UDP (Col 9, lines 30-33);

    ❑ transmitting the broadcasting data to other terminals connected via a network (Col 9,

        lines 30-33).

However Messenger fails to disclose

    ❑ transforming the received broadcasting data into IP multicasting data;

Nevertheless it was well known in the art at the time of the invention to transform

received broadcast data to multicast data and then transmit the multicast data to other terminals

connected via a network, as evidenced by Nurenberg. In a related art, Nurenberg discloses

receiving data via unicast connection, transforming the unicast data (broadcast data) to multicast

data (Col 2, lines 29-36), and transmitting the multicast data to other terminals (Col 2, lines 15-

22). Nurenberg refers to such functionality as "re-Multicasting" where the client acts as a "re-

Multicaster" (Summary). It would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the "re-Multicasting" functionality disclose by Nurenberg

within Messenger's system, in order to provide efficient utilization of bandwidth during

broadcast distribution by addressing multiple recipients at once (Messenger Col 2, lines 1-16).

Regarding the limitation of claim 20 "if IP multicasting data is not received from the

Internet broadcasting server," Messenger fails to receive IP multicasting data from the Internet

broadcasting server (Col 11, lines 50-57) thus, the IF statement would always be TRUE and the

limitations addressed above would always be executed in the combined Messenger and

Nurenberg system.

9.   Regarding claims 23-24 and 27-28, Messenger discloses an Internet broadcasting system

having an Internet broadcasting server broadcasting to a number of terminals via the Internet,

wherein at least one of the terminals comprises:

- ☐ connection request means for requesting a connection to the Internet broadcasting

  server by using TCP/IP or UDP (see Col 14, lines 25-33 and Col 11, lines 50-57);

- ☐ receiving means for receiving broadcasting data from the Internet broadcasting server

  by using TCP/IP or UDP, and receiving broadcasting data from other terminals Col 9,

  line 45 – Col 10, line 28);

- ☐ display means for displaying the received broadcasting data (Col 7, Listener); and

- ☐ repeating means for transmitting the received broadcasting data to other terminals

  connected via a network.

However Messenger fails to disclose:

- ☐ means for transforming the received broadcasting data into IP multicasting data,

Nevertheless it was well known in the art at the time of the invention to transform

received broadcast data to multicast data and then transmit the multicast data to other terminals

connected via a network, as evidenced by Nurenberg. In a related art, Nurenberg discloses

receiving data via unicast connection, transforming the unicast data (broadcast data) to multicast

data (Col 2, lines 29-36), and transmitting the multicast data to other terminals (Col 2, lines 15-

22). Nurenberg refers to such functionality as "re-Multicasting" where the client acts as a "re-Multicaster" (Summary). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the "re-Multicasting" functionality disclose by Nurenberg within Messenger's system, in order to provide efficient utilization of bandwidth during broadcast distribution by addressing multiple recipients at once (Messenger Col 2, lines 1-16).

Regarding claim 24 and the leading limitation of claim 28, Messenger discloses the Internet broadcasting server leads a terminal requesting a connection to the Internet broadcasting server to connect to another terminal, if the number of terminals connected to the Internet broadcasting server is not smaller than the threshold value (see Col 14, lines 33-35, 51-53 and Col 15, lines 1-8).

10. Regarding claims 25 and 26, Nurenberg discloses said repeating means transmits the IP multicasting data to other terminals via LAN or IP broadcasting routers (Nurenberg Figure 1).

11. Regarding claim 29, Messenger discloses the leading step leads a terminal requesting a connection to the Internet broadcasting server to connect the optimum conditional terminal selected on the basis of an information regarding terminals connected to the Internet broadcasting server, thereby forming a stable tree structure (Col 14, lines 33-35, 51-53).

Response to Arguments

12. In response to Applicant's request for reconsideration filed on 1/18/2005, the following factual arguments are noted:

   a. Messenger fails to disclose transforming broadcasting data into IP multicasting data

and then transmitting the IP multicasting data to other terminals.

In considering (a), Examiner agrees with Applicant's argument and has issued new

grounds for rejection accordingly.

Conclusion

13. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent

to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/21/05

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